

## **NOTICE OF PROPOSED ACTION**

### **FOR AMENDMENT OF REGULATIONS GOVERNING RULES OF PRACTICE AND PROCEDURE, DATA COLLECTION, AND DISCLOSURE OF COMMISSION RECORDS**

California Energy Commission  
Docket No. 05-DATA-01  
March 2, 2007

## **NOTICE**

The California Energy Commission ("Commission") proposes to adopt, modify, and delete regulations under the authority of sections 25213 and 25218 of the Public Resources Code. These regulations are found at Articles 2 and 4 of Chapter 2 of Division 2 of Title 20, California Code of Regulations, Articles 1 and 2 of Chapter 3 of Division 2 of Title 20, and Article 2 of Chapter 7 of Division 2 of Title 20. These regulations address the Commission's rules of practice and procedure for Commission proceedings generally, and for complaint and investigation proceedings, energy data collection, and disclosure of Commission records. These changes implement, interpret, and make specific a number of statutory provisions found in the Public Resources Code, the Public Utilities Code, and the Government Code; the specific sections are identified in the authority and reference section found later in this notice. The amendments modify the reporting requirements for a broad range of participants in the California energy market, as well as modify the process used by the Commission to conduct various types of proceedings, and the requirements applicable to the disclosure of Commission records. In addition, the authority and reference section for a number of regulations is updated to reflect various statutory changes. The date set for adoption of the proposed changes to these regulations is as follows:

Commission Business Meeting  
April 25, 2007  
beginning at 10:00 a.m.  
California Energy Commission  
Hearing Room A  
1516 9th Street  
Sacramento, CA 95814

If you have a disability and require assistance to participate in the hearing, please contact Lou Quiroz at (916) 654-5146 at least five days in advance.

In addition, any interested person may submit written or oral comments on the proposed action. Interested persons may present oral statements about the proposed regulations at the adoption hearing, and may provide written comments to the Commission on or before 10:00 a.m. on April 25, 2007, by submitting them to:

Docket Office  
California Energy Commission  
Docket No. 05-DATA-01  
1516 9th Street, MS-4  
Sacramento, CA 95814

Participants should be aware that any of the proposed regulations could be substantively changed as a result of public comment, staff recommendation, or recommendations from Commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the Commission considers changes to the proposed regulations, pursuant to Government Code section 11346.8, a full copy of the text will be available for at least 15 days prior to the date on which the Commission adopts the resulting regulation, and opportunity for public comment will be provided.

## **BACKGROUND INFORMATION**

### **Sections Affected**

All affected sections are found in Division 2 of Title 20 of the California Code of Regulations, and include: 1230 – 1236.5, 1301 – 1311, 1341 – 1351, 2501 – 2503, and 2505 – 2508. Chapter 2 establishes the Commission’s rules of practice and procedure, with Article 2 of that Chapter specifying rules that apply to all Commission proceedings, and Article 4 of that Chapter (containing Sections 1230 – 1236.5) specifically governing the Commission’s complaint and investigation process. Chapter 3 identifies a series of data collection requirements adopted by the Commission, with Article 1 (containing Sections 1301 - 1311) governing quarterly fuel and energy reports, and Article 2 (containing Sections 1341 – 1351) establishing requirements for providing forecasts and assessments of energy loads and resources. Article 2 of Chapter 7 of Division 2 of Title 20 (containing Sections 2501 – 2503 and 2505 – 2508) implements the Commission’s process for addressing the confidentiality and public access requirements of the California Public Records Act. Public Resources Code, sections 25213 and 25218(e) provide general authority for the Commission to adopt regulations, Public Resources Code, section 25320 authorizes the adoption of regulations specifically for data collection purposes, and Public Resources Code section 25539 authorizes adoption of regulations governing the Commission’s site certification process.

Within Articles 2 and 3 of Chapter 2, the Commission proposes to amend the following sections: the title of Article 2, and sections 1230, 1231, 1232, 1233, and 1236. The Commission proposes

to delete the following sections: 1234, 1235. The Commission proposes to add the following new sections: 1233.5, 1234, 1236.5.

Within Articles 1 and 2 of Chapter 3, the Commission proposes to amend the following sections: 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1341, 1342, 1343, 1344, 1345, 1347, 1348, 1350, and 1351. The Commission proposes to add new sections 1311, 1346, and 1349. The Commission proposes to delete section 1340.

Within Article 2 of Chapter 7, the Commission proposes to amend 2501, 2502, 2503, 2505, 2506, and 2507. The Commission proposes to add Section 2508.

The specific authority and reference for each of the sections proposed to be amended or added as a part of this rulemaking are listed at the end of this Notice.

### **Role of the Commission**

The Commission was created by the Warren-Alquist State Energy Resources Conservation and Development Act (Public Resources Code section 25000 et seq.). The Act vests the Commission with a wide range of duties and responsibilities related to the development and conservation of energy resources in California. As the agency responsible for establishing the state's energy policy, the Commission collects, stores, analyzes, and disseminates a broad range of information pertaining to electricity generation.

In 2002, SB 1389 (Stats. 2002, ch. 568) was enacted, re-defining the Commission's data collection and analysis responsibilities in light of electric industry re-structuring and other significant changes in the energy industry. That legislation repealed Chapter 4 of Division 15 of the Public Resources Code, and enacted a new Chapter 4 that significantly modified and expanded the Commission's responsibilities. In addition, new Commission responsibilities have been identified in several provisions of the Public Utilities Code, as well as in amendments to Chapter 4. Legislation adopting these changes include AB 1723 (Stats. 2005, ch. 703), addressing load migration, SB 1037 (Stats. 2005, ch. 366), addressing gas energy efficiency and energy efficiency programs of municipal utilities, AB 380 (Stats. 2005, ch. 367), concerning resource adequacy efforts of municipal utilities, and SB 1565 (Stats. 2004, ch. 692), directing the Commission to adopt a strategic plan for the state's electric transmission grid. Taken together, these statutes require the Commission to collect and disseminate data, conduct assessments and forecasts of all aspects of energy markets, collaborate with other entities that participate in or regulate energy markets, and provide information on both a regular basis and on an as-needed basis to the Governor, the Legislature, and to the public.

In addition to the Commission's data collection responsibilities, the Commission is authorized to adopt regulations implementing the California Public Records Act (Govt. Code § 6250 et seq.), and rules of practice and procedure for a variety of proceedings that it conducts. These provisions are used in conjunction with the Commission's data collection and analysis responsibilities, as well as in other Commission proceedings.

## **INFORMATIVE DIGEST OF PROPOSED ACTION**

### **Existing Laws and Regulations (§ 11346.5(a)(3)(A))**

The Commission has been collecting energy-related data pursuant to its regulations since the 1970's. As statutory mandates and the energy market structure have changed, the Commission has modified its regulations to reflect these changes. Thus, there are currently a number of statutes and regulations governing the Commission's data collection activities. The statutes governing the Commission's responsibilities can be found, in part, in the Warren-Alquist Act (Pub. Resources Code § 25000 et seq.). There are also statutes within the Public Utilities Code that authorize Commission data collection and analysis. Existing regulations implementing these statutes are found in Division 2 of Title 20. The California Public Utilities Commission (CPUC) also collects energy-related data, as it regulates investor-owned gas and electric utilities. Statutes governing its responsibilities can be found in the California Public Utilities Code. The CPUC is subject to an exemption from the rulemaking provisions of the Administrative Procedure Act (See Govt. Code, § 11351), and it identifies its data collection requirements through rulings and orders. These requirements are changed quite frequently. To the extent any of the information submitted pursuant to the existing or proposed regulations is identical to that required by other regulatory entities, the Commission allows these filers to request permission from the Commission's Executive Director to submit the information using the format required by the other entities. Similarly, if identical data has been previously submitted to the Commission, the filer need only refer to the previously-submitted data in sufficient specificity to allow the data to be found and retrieved easily. In this way, the Commission is eliminating duplicative reporting requirements. (See Sections 1303(h) and (i), 1342(f) and (g).)

### **Comparable Federal Law (§ 11346.5(a)(3)(B))**

There are no Federal statutes or regulations governing state agency procedural requirements. Nor is there Federal law governing the disclosure of public records under the California Public Records Act. There is Federal law requiring the submission of energy data to a variety of federal entities, including the Federal Energy Regulatory Commission (FERC), and the Energy Information Agency (EIA). In most instances, the data is not identical to that collected by the Commission; for example, it may be collected from a different group of market participants or the reporting periods may be of a different length. As part of a previous rulemaking, conducted in 2001, the Commission undertook an extensive effort to identify and eliminate any Commission regulations requiring submission of data to the Commission where that data could be obtained from FERC or EIA. In addition, in those circumstances in which the Commission's regulations inadvertently require filers to provide the same data to the Commission that they must provide to other agencies, the Commission's regulations also allow filers to request permission from the Commission's Executive Director to submit the information using the format required by the other agency. This eliminates any duplicative reporting requirements. (See Sections 1303(i), 1342(g).)

### **Policy statement (§ 11346.5(a)(3)(C))**

This rulemaking can be divided into three broad parts, with three broad objectives. First, we propose to modify the Commission's regulations establishing rules of practice and procedure to modify the timelines and to clarify the process the Commission will follow in conducting a complaint or investigatory proceeding. Second, we propose significant revisions to the

Commission's energy data collection regulations, in order to ensure that the regulations reflect changes to the energy industry that have occurred since the last rulemaking, and to more carefully distinguish between the different data submission requirements applicable to different groups of market participants. These changes should increase the accuracy of the data used by the Commission, other state agencies, and the Legislature to establish energy policy and to regulate the marketplace. Finally, after conducting a lengthy proceeding last year on confidentiality of certain energy data, we propose to modify the Commission's regulations governing the disclosure of Commission records in order to clarify those portions of the confidentiality regulations which filers found to be confusing, and to update the confidentiality status of several types of energy data.

#### **Other Prescribed Matters (§11346.5(a)(4))**

There are no other matters prescribed by statute applicable to the Energy Commission or to any specific regulation or class of regulations affected by this action.

### **COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED**

#### **Local School District or Local Agency Mandate Determination (§ 11346.5(a)(5))**

Pursuant to Government Code section 11346.5(a)(5), the Commission is required to determine whether the proposed regulations, if adopted, will impose a mandate on local agencies or school districts, and if so, whether the mandate requires state reimbursement.

Proposed amendments to Commission regulations establishing rules of practice and procedure and proposed changes to regulations implementing the Public Records Act do not impose a state-mandated local program. They specify various procedures and timing requirements that the Commission itself, as well as various entities participating in Commission proceedings must follow. None of the amendments to these sections require any new reports, filings, or activities.

However, the data collection portion of this rulemaking does amend the reporting requirements that are applicable to municipal utilities and irrigation districts. Pursuant to the Constitutional provisions governing reimbursement for local mandates, "local governments" are any city, county, city and county, school district, special district, authority, or other political subdivision of or within the state. (Cal. Const., Section XIII B, section 8.) Although there is no case law on the issue, municipal utilities and irrigation districts would appear to fall within this definition. These municipal utilities (referred to as local publicly-owned utilities in the regulations to reflect statutory definitions) and irrigation districts (collectively referred to as publicly-owned utilities in this Notice) are currently subject to reporting requirements applicable to "electric utilities"; under the proposed changes, they will be subject to reporting requirements applicable to "load-serving entities" or "LSEs". The proposed changes reduce the reporting requirements applicable to LSEs in some areas and increase the reporting requirements in others. In addition, there is one new proposed section that is applicable only to municipal utilities. Some municipal utilities and irrigation districts will be eligible for an exemption from reporting requirements, based on their size. Thus, the effect of the modifications will vary depending on the municipal utility or irrigation district. However, both irrigation districts and municipal utilities could see increased reporting requirements as a result of this rulemaking. Nonetheless, these reporting requirements

are not state mandates, as state mandates are limited to “new programs or higher levels of service”. (Cal. Const., Section XIII B, section 8.) The mandates activities must involve the provision of governmental services and must apply uniquely to the local agency. (*City of Sacramento v. State of California* (1990) 50 Cal.3d 51, 266 Cal.Rptr. 139.) To the extent the regulations require publicly-owned utilities to submit data, the requirements are not unique to those entities, and are due to the fact that they have chosen to enter into the business of generating, distributing, and selling electricity, which is not a government service. Therefore, the proposed regulations will not impose a mandate on local agencies or school districts.

#### **Cost/Savings Estimate (§ 11346.5(a)(6))**

Pursuant to Government Code section 11346.5(a)(6), the Commission must prepare an estimate, in accordance with instructions adopted by the Department of Finance, of the costs or savings to any state agency, the cost to any local agency or district that is required to be reimbursed under Government Code section 17500 et seq., other nondiscretionary cost or savings imposed on local agencies, and the cost or savings in federal funding to the state. Included in this submittal is a completed Form 399, consisting of an Economic Impact Statement and a Fiscal Impact Statement, prepared in accordance with instructions adopted by the Department of Finance. The Form 399, and its attachments, provides documentation for the identification of any savings or costs associated with this action.

As discussed in the previous section, there are no costs imposed on local agencies that are required to be reimbursed under Government Code section 17500 et seq. With respect to costs or savings to state agencies, the Fiscal Impact Statement indicates that total current fiscal year costs to state agencies (the Commission and the Department of Water Resources) are \$263,700, and that total savings are \$67,819. Costs for subsequent years should drop, as much of the cost is due to the need to establish new fields in existing databases – a one-time activity. Nondiscretionary costs for the current fiscal year that are imposed on publicly-owned utilities (as discussed above, these consist of irrigation districts and municipal utilities) total \$718,665, with current fiscal year savings estimated to be \$60,656. Subsequent year costs for POUs are expected to be \$225, 802.

Finally, the Fiscal Impact Statement demonstrates that there will be no costs or savings in federal funding to the state.

#### **Significant Adverse Economic Business Impact Information (§ 11346.5(a)(7) and (8))**

Subdivisions (a)(7) and (a)(8) of Government Code section 11346.5 require an agency undertaking a rulemaking to take certain actions with respect to findings concerning whether the proposal will have a significant, statewide, adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. When an agency determines that the proposal will not have such an effect, it must make a declaration to that effect in the notice of proposed action, and provide in the record the facts, evidence, documents, testimony or other evidence to support the initial determination. The Commission has not yet completed the rulemaking process, but at this time, the Commission finds that no significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states will result from the proposed regulations. The rationale for that conclusion is as follows.

Changes in the Rules of Practice and Procedure and provisions relating to the Disclosure of Commission Records will not have any economic impact, as they are solely procedural in nature. The changes to the Data Collection regulations may increase costs for some sections, but the overall effect of the amendments is to reduce costs. Preliminarily, the Commission has concluded that the total statewide cost of compliance with all changes over the ten-year lifetime of the regulations is \$1,548,127. Because the regulations affect a variety of businesses that may be engaged in differing market sectors, no single business will be subject to the total costs. Similarly, reductions in reporting requirements will reduce total statewide cost of compliance by \$2,888,708, affecting different businesses differently. Thus, there will be an overall reduction in reporting costs of \$1,340,581, although it is not possible to predict how any given business will be affected. These conclusions, along with the initial and annual costs associated with each regulation are documented in the Economic Impact Statement and its attachments, which have been submitted to the Office of Administrative Law (OAL), and are available on the Energy Commission's website at [http://www.energy.ca.gov/data\\_collection/index.html](http://www.energy.ca.gov/data_collection/index.html). In addition, the assumptions underlying the cost estimates for each regulation are explained in the attachments to the Economic Impact Statements, and summarized in the Initial statement of Reasons. It should be noted that the Economic Impact Statement does not include any consideration of any generalized benefits that may occur if the accuracy of energy information and energy market information is increased as a result of these amendments, as the Commission believes will be the case.

#### **Cost Impact On Private Persons Or Directly Affected Businesses (§ 11346.5(a)(9))**

Pursuant to Government Code section 11346.5(a)(9), the Commission has identified the potential cost impact of the proposed regulations on a representative private person or business. This impact is identified in the Economic Impact Statement and its attachments, which have been submitted to the Office of Administrative Law (OAL), and are available on the Energy Commission's website at [http://www.energy.ca.gov/data\\_collection/index.html](http://www.energy.ca.gov/data_collection/index.html). Because each regulation affects different businesses, and different subdivisions affect those businesses differently, there are widely varying initial and ongoing costs. They are identified by each subdivision in the Economic Impact Statement and its attachments. Initial costs vary from zero to \$3,000 for each section, and ongoing costs vary from reductions in reporting costs of \$1,500 per year to increase of \$5,400 per year per section. No private persons will be directly affected by this proposed action.

#### **Results Of Assessment Required By Section 11346.3(b) (§ 11346.5(a)(10))**

Government Code section 11346.5(a)(10) requires the Commission to include a statement of the assessment required by Government Code section 11346.3(b), which in turn requires all state agencies to assess whether and to what extent their proposed regulations affect the creation or elimination of jobs in California, the creation or new businesses or the elimination of existing businesses within the state, and the expansion of businesses currently doing business within the state. It is likely that the proposed modifications will have little to no effect on the creation or elimination of jobs and new businesses within the state, and little to no effect on the expansion of businesses currently doing business within the state. The modifications to the Rules of Practice and Procedure and to the regulations governing disclosure of Commission records will have no effect on jobs or businesses within the state. Changes to the Commission's data collection

regulations will decrease reporting requirements applicable to various energy market participants in some instances and increase them in other instances. Overall, there are decreased reporting costs of \$1,340,581 for all sections combined over a ten-year period. (These changes are discussed in the Economic Impact Statement, which was submitted to OAL with this filing and which is summarized in the previous section of this Notice.) However, as discussed in the previous section, each type of business is affected differently depending upon which role(s) it plays in the energy market. Because the single biggest cost associated with any single amendment is still relatively low, the Commission preliminarily concludes that the proposed modifications will have no effect on the creation or elimination of jobs and new businesses within the state, and no effect on the expansion of businesses currently doing business within the state.

**Finding Prescribed by Section 11346.3(c) (§ 11346.5(a)(11))**

Government Code section 11346.5(a)(11) requires the Commission to include the finding required by Government Code section 11346.3(c), if required. That section states that no administrative regulation adopted on or after January 1, 1993, that requires a report shall apply to businesses, unless the state agency adopting the regulation makes a finding that it is necessary for the health, safety, or welfare of the people of the state that the regulation apply to businesses. Modifying the Commission's Complaint and Investigation process and procedures implementing the Public Records Act will not require any business to submit a report to the Commission. The proposal to modify the Commission's data collection regulations does include requirements for new data submissions, and in some instances, increases in the frequency of data submission. The Commission finds that the proposed modifications are necessary for the health, safety, or welfare of the people of the state. The information that will be collected as a result of this proposed action is necessary to assess and understand how energy markets are functioning. Without this information, market manipulation and energy shortages of the type seen in 2000 – 2001 could recur. In addition, failure to properly understand energy markets could cause a loss of opportunities to invest appropriately in conservation, and alternative energy resources.

**Housing Effects Statement (§ 11346.5(a)(12))**

Pursuant to Government Code section 11346.5(a)(12), the Commission has determined, based on the nature of the proposed regulations, that they will not have a significant effect on housing costs. Modifying energy information reporting requirements that are applicable to energy market participants could have only the most indirect and minor effect on housing costs, and modifying the Commission's Complaint and Investigation process and procedures implementing the Public Records Act could have no such effect.

**Consideration Of Alternative Proposals (§ 11346.5(a)(13))**

Pursuant to Government Code section 11346.5(a)(13), the Commission must, before adopting the proposed regulations, determine that no reasonable alternative considered by it or that has otherwise been identified and brought to the attention of it would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

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### **Determination of Effect on Small Business (California Code of Regulations, Title 1, § 4)**

Pursuant to Title 1 of California Code of Regulations, section 4, the Commission concludes that the proposed regulatory action may affect two small businesses. All other businesses affected by the proposed regulatory action do not meet the definition of small business contained in Government Code, section 11342.610.

### **AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT**

The Commission has prepared an Initial Statement of Reasons for the proposed regulations. To obtain a copy of the initial statement of reasons or the express terms, please contact Chris Tooker at (916) 654-1634 or by e-mail at [ctooker@energy.state.ca.us](mailto:ctooker@energy.state.ca.us), or Caryn Holmes at (916) 654-4178 or at [cholmes@energy.state.ca.us](mailto:cholmes@energy.state.ca.us). Alternatively, the Initial Statement of Reasons can be found on the Commission's website at [http://www.energy.ca.gov/data\\_collection/index.html](http://www.energy.ca.gov/data_collection/index.html). Additionally, the Commission has available all the information upon which the proposed regulations are based; to obtain copies, please contact Chris Tooker at the phone number or e-mail address provided above, or contact the Commission's Docket Office for information about viewing this material in the docket for this proceeding: 05-DATA-01. If the Commission considers changes to the proposed regulations, pursuant to Government Code section 11346.8, a full copy of the text will be available for at least 15 days prior to the date on which the agency adopts the resulting regulation, and opportunity for public comment will be provided. The Commission will prepare a Final Statement of Reasons after adoption of the proposed regulations. Any interested person will be able to obtain a copy of that document by contacting Mr. Tooker or Ms. Holmes, or by visiting the Commission's website listed above: [http://www.energy.ca.gov/data\\_collection/index.html](http://www.energy.ca.gov/data_collection/index.html). The Commission's Public Advisor is available to assist any person who wishes to participate in this proceeding. For assistance from the Public Advisor, please call Margret Kim at (916) 654-4489 or toll-free in California at (800) 822-6228, or by e-mail at [PAO@energy.state.ca.us](mailto:PAO@energy.state.ca.us). Any inquiries regarding this proposed action should be directed to Caryn Holmes, who can be reached at (916) 654-4178 or by e-mail at [cholmes@energy.state.ca.us](mailto:cholmes@energy.state.ca.us). As stated above, any interested person may present oral statements about the proposed regulations at the April 25, 2007 adoption hearing. They may also provide written comments to the Commission on or before 10:00 a.m. of the same day by submitting them to the Commission's Docket Office at the address identified above.

### **INTERNET ACCESS**

The Commission maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the Commission for this rulemaking, including this NOPA, the Express Terms, the Initial Statement of Reasons, and the Economic and Fiscal Impact Statements, as well as many other documents in the rulemaking file have been posted at: [http://www.energy.ca.gov/data\\_collection/index.html](http://www.energy.ca.gov/data_collection/index.html).

### **STATUTORY AUTHORITY AND REFERENCE**

The following are the proposed authority and reference citations for the regulations in Chapter 2 that are proposed to be amended:

§ 1230: Authority cited: Sections 25213, 25218(e), Public Resources Code. Reference: Section 11180, Government Code; Sections 25210, 25321, 25362, 25900, 25967, 25983, Public Resources Code.

§ 1231: Authority cited: Sections 25213, 25218(e), Public Resources Code. Reference: Section 11180, Government Code; Sections 25210, 25321, 25362, 25900, 25967, 25983, Public Resources Code.

§ 1232: Authority cited: Sections 25213, 25218(e), Public Resources Code. Reference: Section 11180, Government Code; Sections 25210, 25321, 25362, 25900, 25967, 25983, Public Resources Code.

§ 1233: Authority cited: Sections 25213, 25218(e), Public Resources Code. Reference: Section 11180, Government Code; Sections 25210, 25321, 25362, 25900, 25967, 25983, Public Resources Code.

§ 1233.5: Authority cited: Sections 25213, 25218(e), Public Resources Code. Reference: Section 11180, Government Code; Sections 25210, 25321, 25362, 25967, 25983, Public Resources Code.

§ 1234: Authority cited: Sections 25213, 25218(e), Public Resources Code. Reference: Section 11180, Government Code; Sections 25210, 25321, 25362, 25967, 25983, Public Resources Code.

§ 1235: Authority cited: Sections 25213, 25218(e), Public Resources Code. Reference: Section 11180, Government Code, Sections 25210, 25321, 25362, 25967, 25983, Public Resources Code.

§ 1236: Authority cited: Sections 25213, 25218(e), Public Resources Code. Reference: Section 11180, Government Code, Sections 25210, 25321, 25362, 25967, 25983, Public Resources Code.

§ 1236.5: Authority cited: Sections 25213, 25218(e), Public Resources Code. Reference: Section 11180, Government Code, Sections 25210, 25321, 25362, 25967, 25983, Public Resources Code.

The following are the proposed authority and reference citations for the regulations in Chapter 3 that are proposed to be amended:

§ 1301: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25324, 25401, 25401.2, 25403, 25403.5, 25602, 25604, Public Resources Code, Sections 9615, 9620, Public Utilities Code.

§ 1302: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25100-25141, 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303,

25324, 25330 et seq., 25401, 25401.2, 25403, 25403.5, 25602, 25604, Public Resources Code, Sections 9615, 9620, Public Utilities Code.

§ 1303: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5, 25602, 25604, Public Resources Code, Sections 9615, 9620, Public Utilities Code.

§ 1304: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5, 25602, 25604, Public Resources Code.

§ 1305: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5, 25602, 25604, Public Resources Code.

§ 1306: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5, 25602, 25604, Public Resources Code.

§ 1307: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5, 25602, 25604, Public Resources Code.

§ 1308: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5, 25602, 25604, Public Resources Code.

§ 1309: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5, 25602, 25604, Public Resources Code.

§ 1310: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5, 25602, 25604, Public Resources Code.

§ 1311: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, Public Resources Code, Section 9615, Public Utilities Code.

§ 1341: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5(d), 25300, 25301, 25302, 25302.5, 25303, 25324, 25330 et seq., Public Resources Code, Sections 9615, 9620, Public Utilities Code.

§ 1342: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25324, 25330 et seq., Public Resources Code, section 9620, Public Utilities Code.

§ 1343: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, 25303, Public Resources Code.

§ 1344: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, 25303, Public Resources Code.

§1345: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, Public Resources Code.

§ 1346: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, Public Resources Code, Section 9620, Public Utilities Code.

§ 1347: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, Public Resources Code.

§ 1348: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, 25303, Public Resources Code.

§ 1349: Note: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, 25303, 25324, 25330 et seq., Public Resources Code.

§ 1350: Authority cited: Sections 25213, 25218(e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, Public Resources Code.

§ 1351: Authority cited: Sections 25213, 25218 (e), 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25324, Public Resources Code.

The following are the proposed authority and reference citations for the regulations in Chapter 7 that are proposed to be amended:

§ 2501: Authority cited: Sections 25213, 25218(e), Public Resources Code, Section 6253(a), Government Code. Reference: Article 1, Section 3, subdivision (b), California Constitution, Sections 6250, 6254, Government Code, Sections 25223, 25322, 25366, Public Resources Code.

§ 2502: Authority cited: Sections 25213, 25218(e), Public Resources Code, Section 6253(a), Government Code. Reference: Sections 25223, 25322, 25366, Public Resources Code.

§ 2503: Authority cited: Sections 25213, 25218(e), Public Resources Code, Section 6253(a), Government Code. Reference: Sections 25223, 25322, 25366, Public Resources Code, Sections 6250 et seq., Government Code.

§ 2504: Authority cited: Sections 25213, 25218(e), Public Resources Code, Section 6253(a), Government Code. Reference: Sections 25223, 25322, 25366, Public Resources Code, Sections 6253(a), 6256, 6257, Government Code.

§ 2505: Authority cited: Sections 25213, 25218(e), Public Resources Code, Section 6253(a), Government Code. Reference: Sections 25223, 25322, 25366, Public Resources Code, *Bakersfield City School District v. Superior Court* (2004) 118 Cal.App.4<sup>th</sup> 1041.

§ 2506: Authority cited: Sections 25213, 25218(e), Public Resources Code, Section 6253(a), Government Code. Reference: Sections 25223, 25322, 25366, Public Resources Code, Sections 6250 et seq., Government Code, *Bakersfield City School District v. Superior Court* (2004) 118 Cal.App.4<sup>th</sup> 1041.

§ 2507: Authority cited: Sections 25213, 25218(e), Public Resources Code, Section 6253(a), Government Code. Reference: Sections 25223, 25322, 25366, Public Resources Code.

§ 2508: Authority cited: Sections 25213, 25218(e), Public Resources Code, Section 6253(a), Government Code. Reference: Sections 25223, 25322, 25366, Public Resources Code, *Bakersfield City School District v. Superior Court* (2004) 118 Cal.App.4<sup>th</sup> 1041.